



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
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September 12, 2024

VIA ECF

The Honorable Robert W. Lehrburger
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Granted.

SO ORDERED:

9/13/2024

A handwritten signature in black ink, appearing to be "R. Lehrburger", written over a horizontal line.

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Re: EEOC v. Hillstone Restaurant Group, Inc.
Case No. 1:22-cv-03108-JLR-RWL

Dear Judge Lehrburger:

The EEOC writes on behalf of both parties to jointly request a two-month stay of all deadlines, including the September 16, 2024 fact discovery deadline (ECF No. 63 at 2), to allow the parties to attempt to reach a settlement of this lawsuit. Should a settlement not be reached, the parties will submit a new proposed scheduling order by November 15, 2024, that would extend all deadlines and may include changes to other aspects of discovery.

Since the entry of the most recent Scheduling Order (ECF No. 63) on April 22, 2024, both sides have been working diligently to complete fact discovery. Numerous documents have been exchanged, and several disputes about written discovery have been resolved, both by the parties and by the Court. *See, e.g.*, ECF Nos. 70, 73. Hillstone has deposed 12 of the EEOC's 39¹ Phase I Claimants, while the EEOC has taken 11 depositions of former and current Hillstone managers involved in hiring at the two restaurants at issue in this lawsuit.

Nevertheless, there is still fact discovery left to be completed. Various logistical and witness-availability issues have prevented both parties from scheduling and completing a number of necessary depositions. In addition, because there is no centralized repository of applications in this hiring discrimination case, the parties have been working cooperatively to agree on the applicant pool – something on which both sides will rely for their expert analyses – and have made progress in that regard, with Hillstone recently producing a self-created applicant log.

¹ This does not include Charging Party Tracye Shearin, who was previously deposed.

Rather than now submit a proposed scheduling order extending all deadlines, the parties believe there is a chance to resolve this matter amicably. Accordingly, we respectfully request that the Court stay all deadlines—including fact discovery—for two months until November 15, 2024, to allow for meaningful settlement discussions. Should this matter not be resolved, the parties will submit a joint proposed scheduling order by that date that will provide for new deadlines and may propose other alterations to discovery, such as a reduction in the number of deposition hours allotted to the parties. *See* ECF No. 63 at 2.

Thank you for your time and attention to this matter.

Respectfully submitted,

/s/Daniel Seltzer

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